

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:) Art Unit: Not yet assigned
) [parent application
FIRTH, John R., et al.) Group Art Unit 3763]
)
Serial No.: Not yet assigned) Examiner: Not yet assigned
[parent application Serial No. 09/116,064]) [parent application
) Examiner M. Mendez]
Filed: Herewith)
)
For: DISPOSABLE SELF-SHIELDING)
ASPIRATING SYRINGE)
_____)

PRELIMINARY AMENDMENT

Box Patent Application
Commissioner of Patents
Washington, D.C. 20231

Sir:

Before calculation of claim fees, please amend the above identified application as follows:

IN THE SPECIFICATION:

On page 1, line 1, after "This is", insert:

--a reissue of application Serial No. 467,625 filed June 6, 1995, now U.S. Patent No.

OC-49607.1

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee', Express Mail Label No. EL622502399US in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

August 17, 2001
Date of Deposit


SALLY HARTWELL

5,624,400, and a continuation of co-pending Application Serial No. 09/116,064, filed on July 15, 1998, which is a reissue of application Serial No. 467,625, filed on June 6, 1995, now U.S. Patent No. 5,624,400, which is --

IN THE CLAIMS:

Please add the following new claims 6-25:

6. A syringe device, comprising:

an elongate body having a cavity therein for receiving a medicine cartridge, a distal end with an opening through which a needle may extend, and a proximal end with an opening therethrough to permit passage of the medicine cartridge axially into the cavity;

a medicine cartridge received in the cavity;

a needle extending distally from the distal end of the body;

a finger grip collar on the proximal end of the elongate body;

a locking mechanism on the proximal end of the elongate body comprising a locking detent for engaging a rear surface of the medicine cartridge and preventing proximal movement of the medicine cartridge received in the cavity;

a protector case movable relative to the body between rearward and forward positions, and having an open distal end for uncovering and covering, respectively, the needle extending distally from the distal end of the body; and

cooperating detents on the body and protector case for substantially locking the protector case in the forward position.

7. A syringe device as in claim 6, wherein the cooperating detents comprise detents on the protector case, and on the proximal and distal ends of the elongate body, for retaining the protector case in the rearward position during use, and for substantially locking the protector case in the forward position to substantially prevent subsequent rearward movement of the protector case.

8. A syringe device as in claim 6, wherein the detents on the protector case are located on the distal end of the protector case.

9. A syringe device as in claim 6, wherein the locking mechanism comprises a pair of locking detents.

10. A syringe device as in claim 6, wherein the locking mechanism comprises a locking finger extending from a plug attachable to the proximal end of the body, the locking detent extending from the locking finger.

11. A syringe device as in claim 6, wherein the locking mechanism comprises a plurality of locking detents for engaging a rear surface of the medicine cartridge and preventing proximal movement of the medicine cartridge received in the cavity.

12. A syringe device as in claim 6, wherein the protector case is slidable axially with respect to the body.

13. A syringe device as in claim 12, wherein the protector case is slidably mounted over the body.

14. A medical device, comprising:

a body having a cavity for receiving a medicine cartridge, a first forward end from which a needle may extend, and a second end into which the medicine cartridge may be inserted;

a protector case movable relative to the body, and having a first open end through which the needle may extend and a second end, the case and the body having cooperating detents for facilitating placement of the case with respect to the body for uncovering and covering an exposed end of the needle; and

a locking mechanism on the second end of the body for engaging the medicine cartridge received in the cavity, the locking mechanism comprising at least one locking detent for engaging a surface of the cartridge received in the cavity to prevent proximal movement thereof.

15. A medical device as in claim 14, further comprising a finger grip collar on the second end of the syringe body.

16. A medical device as in claim 14, wherein the locking mechanism comprises a pair of locking detents.

17. A medical device as in claim 14, wherein the locking mechanism comprises a locking finger extending from a plug attachable to the proximal end of the body.

18. A medical device as in claim 14, wherein the locking mechanism comprises a plurality of locking members extending into the cavity.

19. A medical device as in claim 14, wherein the protector case is slidable axially with respect to the body.

20. A medical device as in claim 19, wherein the protector case is slidably mounted over the body.

21. A medical device, comprising:

a body having a cavity therein for receiving a medicine cartridge, a distal end with an opening through which a needle may extend, and a proximal end with an opening therethrough to permit passage of the medicine cartridge into the cavity;

a locking mechanism on the proximal end of the body comprising a pair of locking detents for engaging a rear surface of the medicine cartridge and preventing proximal movement of the medicine cartridge received in the cavity;

a protector case slidable on the body between rearward and forward positions, and having an open distal end for uncovering and covering, respectively, a needle extending distally from the distal end of the body; and

cooperating detents on the body and protector case for substantially locking the protector case in the forward position.

22. A medical device as in claim 21, further comprising a finger grip collar on the body.

23. A medical device as in claim 21, wherein the cooperating detents comprise first and second detent pockets on the body for retaining the protector case in the rearward position during use, and for substantially locking the protector case in the forward position to substantially prevent subsequent rearward movement of the protector case, respectively.

24. A medical device as in claim 21, wherein the protector case is slidable axially with respect to the body.

25. A medical device as in claim 24, wherein the protector case is slidably mounted over the body.

REMARKS

The present application is properly styled as a continuation of application Serial No. 09/116,064. This application is a continuation of application Serial No. 09/116,064, filed July 15, 1998, and a reissue of U.S. Patent No. 5,624,400.

Applicants respectfully request consideration and entry of the above amendment before examination. Claims 6-25, which are submitted herewith, are fully supported by the specification as originally filed, and add no new matter has been added to this broadening reissue application.

As explained in the Declaration of the inventors, John R. Firth and Anthony R. Perez, enclosed herewith, this application is made in order to correct errors found in U.S. Patent No. 5,624,40, entitled "Disposable Self-Shielding Aspirating Syringe."

More specifically, it is Applicants' belief that the original claims may be deemed to be wholly or partially inoperative by reason of the patentee claiming less than he had the right to claim in the patent because:

(1) original Claims 1-5 are directed to a medical syringe including a syringe body having first and second ends and "a plunger assembly for cooperatively mating with the second end of the body," whereas the syringe of the present invention may also be embodied in various components, namely a syringe body with a locking mechanism on the proximal end of the elongate body comprising a locking detent for engaging a rear surface of the medicine cartridge and preventing proximal movement of the medicine cartridge received in the cavity;

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(2) original Claims 1-5 are directed to a medical syringe including a plunger assembly “comprising a movable plunger which is movable with respect to the body for causing medicine from a cartridge to be administered through the needle, the plunger comprising a first end adapted to be manipulated by the user of the syringe and a second end adapted to be inserted into the body for engaging a stopper of the medicine cartridge therein,” whereas the syringe of the present invention may also be embodied in various components, namely a syringe body with a locking mechanism on the second end of the body for engaging the medicine cartridge received in the cavity, the locking mechanism comprising at least one locking detent for engaging a surface of the cartridge received in the cavity to prevent proximal movement thereof;

(3) original Claims 1-5 are directed to a medical syringe including a syringe body having first and second ends and “a plunger assembly for cooperatively mating with the second end of the body,” whereas the syringe of the present invention may also be embodied in various components, namely a syringe body with a locking mechanism on the proximal end of a body comprising a pair of locking detents for engaging a rear surface of a medicine cartridge and preventing proximal movement of the medicine cartridge received in the cavity; and

(4) original Claims 1-5 are directed to a medical syringe including a “body having a first forward end to which the needle is attached and which needle also is capable of penetrating a cartridge for injecting medicine through the needle into a human,” whereas the medical syringe of the present invention may also be embodied in a syringe body having a first forward end from which a needle may extend.

Each of the above-described errors is corrected by the addition of new Claims 6-25, and each of the above-described errors arose, occurred, and resulted from the fact that the Applicants failed to appreciate the full scope of his invention.

For example, Error (1) is corrected by the addition of new Claims 6-13, which are directed to variations in which a syringe device includes a locking mechanism on the proximal end of an elongate body comprising a locking detent for engaging a rear surface of a medicine cartridge and preventing proximal movement of the medicine cartridge received in the cavity. Error (2) is corrected by the addition of new Claims 14-20, which are directed to variations in which a medical device includes a locking mechanism on the second end of a body for engaging a medicine cartridge received in the cavity, the locking mechanism comprising at least one locking detent for engaging a surface of the cartridge received in the cavity to prevent proximal movement thereof. Error (3) is corrected by the addition of new Claims 21-25, which are directed to variations in which a medical device includes a locking mechanism on the proximal end of a body comprising a pair of locking detents for engaging a rear surface of a medicine cartridge and preventing proximal movement of the medicine cartridge received in the cavity. Error (4) is corrected by the addition of new Claims 14-20, which are directed to a medical syringe including a syringe body having a first forward end from which a needle may extend.


The failures and defects set forth in the preceding paragraphs were initially discovered in early 1998 while discussing possible licensing of devices covered by the '400 Patent and related patents and patent applications to third parties, and more particularly in January 1998 during a

patent review between the patent counsel and the general counsel of the Assignee of the '400 Patent and related patents and patent applications.

As it is believed that none of the art cited in the original application and none of the art submitted herewith anticipates or renders obvious the invention as defined in Claims 6-25, favorable consideration of this application is respectfully requested.

Respectfully submitted,

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